



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LRE, FF

Introduction

The tenant applies to cancel a ten day Notice to End Tenancy for unpaid rent received February 7, 2018 and for an order restricting the landlord's right of entry.

The tenant contests the Notice on the ground that it is in the wrong form. However, he has failed to file a copy of the Notice, as required by the Rule 2.5 of the Rules of Procedure. The landlords have not filed a copy either.

It cannot be determined that the Notice was in the wrong form without seeing the Notice and so the tenant's application must be dismissed.

Without a copy of the Notice being filed (by either party) an order of possession cannot be issued to the landlord. Section 55 of the *Residential Tenancy Act* (the "Act") requires that an order of possession be issued to a landlord when a tenant's application to dispute the Notice is dismissed and if the Notice complies with s. 52 regarding form and content. It cannot be determined that the form and content of the Notice are in compliance without seeing the Notice itself.

The landlord is free to apply for an order of possession based on the Notice. That order will only be granted if the Notice, in fact, complies in form and content with s. 52.

Regarding the tenant's request for an order restricting the landlords' right of entry, the application does not disclose any wrongful entry by the landlord, merely the testing of a door knob. That portion of the tenant's application is also dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: April 17, 2018

Residential Tenancy Branch